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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Courtney A. Oldham

AgAuction

1600

54366 7590 02/09/2007

RICK B. YEAGER, ATTORNEY

10805 MELLOW LANE

AUSTIN, TX 78759

EXAMINER

NGUYEN, NGA B

ART UNIT

PAPER NUMBER

3692

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/492,961

Applicant(s)

OLDHAM ET AL.

Examiner

Nga B. Nguyen

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-28 is/are allowed.
- 6) ☒ Claim(s) 29-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is the answer to the Amendment filed on October 27, 2006, which paper has been placed of record in the file.
2. Claims 1-43 are pending in this application.

Response to Amendment/Arguments

3. Applicant's arguments with respect to claims 1-43 have been considered but are moot in view of new ground of rejections.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 29-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curkendall et al (hereinafter Curkendall), U.S. Patent No. 6,342,839, further in view of Cobb et al (hereinafter Cobb), U.S. Patent No. 6,183,258, and further in view of Morrison, "*Pigs in cyberspace: Canadian plans to auction livestock via the Internet*", Financial Post.

Regarding to claim 29, Curkendall discloses a method for certifying cattle for sale between a seller and a buyer comprising:

providing seller with a plurality of required guidelines for processing at least one animal prior to the sale, required guidelines comprising: at least one required vaccination, at least one required treatment to animal, at least one required health record, and a required waning date for at least one animal that is at least forty five days prior to auction (column 16, lines 5-32; column 11, lines 15-20; column 12, lines 25-26);

utilizing, by seller, an electronic identification unit on each of at least one animal, each of identification units comprising a unique animal code for each of at least one animal (column 6, lines 45-65, transponder);

collecting information in each of at least one animal comprising: physical characteristics of at least one animal (column 14, lines 50-65);

Curkendall does not disclose processing a complete and signed certification form which certified that at least one animal was processed in accordance with required processing guidelines; and providing buyer with at least a portion of collected information and information regarding certification. However, Cobb discloses processing a complete and signed certification form which certified that at least one animal was processed in accordance with required processing guidelines; and providing buyer with at least a portion of collected information and information regarding certification (column 9, line 32-column 10, line 62 and column 11, lines 27-55). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include the feature above with Curkendall's for the purpose of obtaining animal's information from the seller.

Moreover, Curkendall does not disclose the certification process for a cattle auction. However, Morrison discloses an automated method for conducting a cattle auction (see the entire document). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Morrison to adopt the teaching of Curkendall's to apply the Curkendall's certification process, prior to an auction, for the purpose of ensuring the animal health before auctioning the animal to buyers.

Regarding to claims 30-34, Curkendall further discloses guidelines further comprises: a required vaccination regimen; a required treatment regimen comprises dehorning at least on animal, castrating at least one animal; performing injections in at least on animal in a region of the neck of at least one animal (column 11, lines 1-column 12, line 48).

Regarding to claims 35, 36, Curkendall further discloses physical characteristics of collected information comprises: weight information, the sex of at least on animal (column 14, lines 50-67 and column 12, line 13).

Regarding to claim 37, Curkendall further discloses collected information is collected and stored based, at least in part, one unique animal code (column 14, lines 17-23).

Regarding to claim 38, Curkendall discloses a method for certifying cattle for sale comprising:

providing seller with a plurality of required guidelines for processing at least one animal prior to the sale, required guidelines comprising: at least one required

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vaccination, at least one required medication, at least one required treatment to at least one animal, at least one required health record, and a required weaning date for at least one animal that is at least forty five days prior to auction (column 16, lines 5-32; column 11, lines 15-20; column 12, lines 25-26);;

utilizing an electronic identification comprising a unique animal code for each of at least one animal (column 6, lines 45-65, transponder);

collecting individual animal data comprising: physical characteristics information for each of at least one animal during processing of at least one animal (column 14, lines 50-67);

automatically collecting information comprising: animal weight and unique animal code, for each of at least one animal (column 14, lines 17-23, 50-67); and

automatically updating a database record with collected information corresponding to at least one animal with collected information prior to auction (column 11, lines 9-12).

Curkendall does not disclose submitting a signed certification form which certifies that at least one animal was processed on accordance with required processing guidelines. However, Cobb discloses submitting a signed certification form which certifies that at least one animal was processed on accordance with required processing guidelines; (column 9, line 32-column 10, line 62 and column 11, lines 27-55).

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include the feature above with Curkendall's for the purpose of obtaining animal's information from the seller.

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Moreover, Curkendall does not disclose the certification process for a cattle auction. However, Morrison discloses an automated method for conducting a cattle auction (see the entire document). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Morrison to adopt the teaching of Curkendall's to apply the Curkendall's certification process, prior to an auction, for the purpose of ensuring the animal health before auctioning the animal to buyers.

Claims 39-43 contain similar limitations found in claims 30-34 discussed above, therefore are rejected by the same rationale.

Allowable Subject Matter

6. Claims 1-28 are allowed over the prior arts of cited record.

Conclusion

7. Claims **1-28** are allowed.

Claims **29-43** are rejected.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen, whose telephone number is (571) 272-6796. The examiner can normally be reached on Monday-Thursday from 8:30 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard E. Chilcot, can be reached on (571) 272-6777.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3600.

9. Any response to this action should be mail to:

Commissioner of Patents and Trademarks
c/o Technology Center 3600
Washington, D.C. 20231

or faxed to:

(703) 872-9306, (for formal communications intended for entry)

or:

(571) 273-0325, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Know building, 501 Dulany Street, Alexandria, VA, First Floor (Receptionist).



NGA NGUYEN
PRIMARY EXAMINER

January 5, 2007